

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Dinah Bear ( CN=Dinah Bear/OU=CEQ/O=EOP [ CEQ ] )

CREATION DATE/TIME:12-MAR-2003 10:51:03.00

SUBJECT:: Re: CEI Petitions

TO:Phil Cooney ( CN=Phil Cooney/OU=CEQ/O=EOP@EOP [ CEQ ] )

READ:UNKNOWN

TO:James Connaughton ( CN=James Connaughton/OU=CEQ/O=EOP@EOP [ CEQ ] )

READ:UNKNOWN

TEXT:

See below - this issue was brought by Cong. Knollenberg in OSTP's appros. hearing last week. Phil has a copy of the relevant portion of the transcript.

----- Forwarded by Dinah Bear/CEQ/EOP on 03/12/2003 10:50 AM -----

Stanley S. Sokul

03/12/2003 10:28:48 AM

Record Type: Record

To: Dinah Bear/CEQ/EOP@EOP

cc:

Subject: Re: CEI Petitions

Here's a question for the record we recieved...

Questions for the Record

Submitted by the Honorable Joe Knollenberg

As you may be aware, along with Senator James Inhofe, Representative Jo Ann Emerson, CEI and others, I filed a lawsuit in October 2000 against the National Assessment on Climate Change. This is because we discovered it was rushed into production under political pressure, in violation of the Federal Advisory Committee Act, without subjecting the analyses to peer review -- despite specific Congressional direction to perform this necessary requirement for "sound science" -- and did not even attempt to perform all of the statutorily required duties to qualify as a "National Assessment."

In return for withdrawing our complaint, OSTP, through Acting Director of Science and Technology Policy Rosina Bierbaum but at the direction of White House Counsel's Office, acknowledged that the purported National Assessment's climate scenarios "do not represent government policy" and "are not policy positions or statements of the U.S. Government."

Yet, to my amazement, the National Assessment continues to be disseminated with a ".gov" web address and, worse, was subsequently submitted to the United Nations as precisely what OSTP promised it was not -- the United States' position and policy on climate change, under the Rio Treaty, as Chapter 6 of the "Climate Action Report". These actions certainly give the appearance that the National Assessment is government policy.

ú Given the disavowal by the White House Office of Science and Technology Policy, the Bush Administration should not have published Chapter 6 in the first place nor continue publication of the unlawful document. Upon this disavowal, the appropriate next step should have been for the President to have withdrawn the National Assessment from dissemination, and never include it in any Climate Action Report. This would finally put OSTP in line with the good faith agreement reached with the White House Counsel's Office to resolve our Complaint.

On the basis of our agreement, why is the National Assessment still being disseminated and do you plan on withdrawing it?

ú In addition to OSTP promising this disavowal in writing, at least one group [CEI] has already petitioned OSTP to cease dissemination under the Federal Data Quality Act. This detailed Request for Correction clearly articulates a second, independent basis for ceasing dissemination of this incredible waste of taxpayers money, produced unlawfully and inaccurately without conducting sound science.

Will you cease dissemination on these grounds?

ú The National Assessment admits in its own text that it "could not attempt to be comprehensive"8. In other words, for reasons unstated, it could not perform those specifically enumerated studies that the statute makes perfectly clear "shall"8 be conducted for a document to constitute a National Assessment. This, despite the fact that \$17 billion in taxpayer dollars went into this curiously timed product. Given this, it is not only fair, but also legally accurate, to state that no "National Assessment" has yet been issued.

Given that statutory clocks begin to run and other considerations are triggered by this scenario, can you think of any good reason we should not require the US Global Change Research Project (USGCRP), for which OSTP is responsible, to comply with the law, and complete the statutorily required assignments for a First "National Assessment on Climate Change" before you begin spending taxpayer dollars on other pursuits which are supposed to follow the issuance of such a First Assessment meeting the law's requirements?